·1	EDMUND G. BROWN JR. Attorney General of California GREGORY J. SALUTE Supervising Deputy Attorney General TERRENCE M. MASON Deputy Attorney General State Bar No. 158935		
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5	300 So. Spring Street, Suite 1702		
	Los Angeles, CA 90013 Telephone: (213) 897-6294		
6	Facsimile: (213) 897-2804 Attorneys for Complainant		
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8	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
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11	In the Matter of the Accusation Against: Case No. 2010 - 546		
12	JOYCE ANN DEGARMO aka JOYCE ANN CAMPBELL		
13	21160 Neola Road Apple Valley, CA 92308 A C C U S A T I O N		
14	Apple Valley, CA 32306		
15	Registered Nurse License No. RN 528539		
16	Respondent.		
17			
18	Complainant alleges:		
19	PARTIES		
20	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her		
21	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department		
22	of Consumer Affairs.		
23	2. On or about December 19, 1996, the Board of Registered Nursing (Board) issued		
24	Registered Nurse License No. 528539 to Joyce Ann Degarmo aka Joyce Ann Campbell		
25	(Respondent). The Registered Nurse License was in full force and effect at all times relevant to		
26	the charges brought herein and will expire on February 29, 2012, unless renewed.		
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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 726 states:

"The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division, under any initiative act referred to in this division and under Chapter 17 (commencing with Section 9000) of Division 3.

"This section shall not apply to sexual contact between a physician and surgeon and his or her spouse or person in an equivalent-domestic relationship when that physician and surgeon provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship."

- 5. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
 - 6. Section 2761 states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions."
- 7. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure

from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

9. California Code of Regulations, title 16, section 1443, states:

"As used in Section 2761 of the code, "incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

10. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

"(b) Failure to comply with any mandatory reporting requirements."

COST RECOVERY

11. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Substantially-Related Acts Related to the Qualifications of a Registered Nurse)

12. Respondent is subject to disciplinary action as defined in California Code of Regulations, title 16, section 1444, in that on or about March 2008, while employed at Patton State Hospital, Respondent committed acts of misconduct that were substantially-related to the qualifications, functions or duties of a registered nurse in that she had an inappropriate relationship with a patient. The circumstances surrounding the committed acts are that on or

about March 2008, Respondent was seen by various staff members engaging in an inappropriate relationship with male patient "M.H." by bringing him food items. The patient had been diagnosed as schizophrenic and had been involuntarily hospitalized after being found not guilty of a crime due to reason of insanity. On or about April 15, 2008, Respondent continued her inappropriate relationship with the patient by touching his face, shoulder, and arm and allowing him to touch her in the same manner. Respondent admitted to kissing the patient on the mouth and giving him a hug during the encounter and to subsequently attempting to contact him by phone on at least two occasions. In a letter to an investigator, Respondent admitted to becoming overly involved with the patient, attempting to personally help him outside of the therapeutic boundaries of a nurse/ patient relationship.

SECOND CAUSE FOR DISCIPLINE

(Acts of Incompetence and Gross Negligence)

13. Respondent is subject to disciplinary action under section 2761, subdivision (a) (1), as defined in California Code of Regulations, title 16, sections 1442 and 1443, in that Respondent committed acts of incompetence or gross negligence when she had an inappropriate relationship with a patient. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 12, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Inappropriate Acts/Relations with a Patient)

14. Respondent is subject to disciplinary action under section 726, in that Respondent acted in an unprofessional manner by having an inappropriate relationship with a patient. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 12, as though set forth fully.

FOURTH CAUSE FOR DISCIPLINE

(Failed to Comply with Mandatory Reporting Requirements)

15. Respondent is subject to disciplinary action as defined in California Code of Regulations, title 16, section 1444, subdivision (b), in that Respondent failed to comply with mandatory reporting requirements when Respondent failed to report her inappropriate

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1	relationship with a patient. Complainant refers to, and by this reference incorporates, the			
2	allegations set forth above in paragraph 12, as though set forth fully.			
3	PRAYER			
4	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,			
5	and that following the hearing, the Board issue a decision:			
6	1. Revoking or suspending Registered Nurse License No. 528539 issued to Responden			
7	2. Ordering Respondent to pay the Board the reasonable costs of the investigation and			
8	enforcement of this case, pursuant to section 125.3; and			
9	3. Taking such other and further action as deemed necessary and proper.			
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11	DATED: 42310 Souise L. Bailey			
12	LOUISE R. BAILEY, M.ED., RN Interim Executive Officer			
13	Board of Registered Nursing Department of Consumer Affairs			
14	State of California Complainant			
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